

WILEY, REIN & FIELDING

1776 K STREET, N.W.  
WASHINGTON, D. C. 20006

JAMES R. BAYES  
(202) 428-7064

July 31, 1987

DUPLICATE

Mr. William J. Tricarico  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

RECEIVED  
JUL 31 1987  
FCC  
Office of the Secretary

Re: WKSJ(FM), Jupiter, Florida

Dear Mr. Tricarico:

By letter dated April 30, 1987, U.S. Three Broadcasting Corporation, licensee of WKSJ(FM), Jupiter, Florida, requested that the station be permitted to remain silent pending the Commission's disposition of a rulemaking proceeding which, inter alia, proposed the substitution of Channel 258A for the current allotment of Channel 296A at Jupiter, Florida. (MM Docket No. 87-233, RM-5841; Jupiter and Melbourne, Florida.) A copy of U.S. Three's April 30 request is attached.

As indicated in the April 30 letter, U.S. Three has already been directed to change frequencies once, from its original Channel 244A to Channel 296A. The licensee's present financial condition does not permit it to absorb the impact of repeated dislocations of its operations and the need to establish, and then reestablish, its identity on a new channel. Consequently, U.S. Three requested authority for WKSJ to remain silent pending the Commission's disposition of the Jupiter/Melbourne rulemaking proceeding.

The Commission granted U.S. Three's request by telegram dated May 26, 1987, and granted WKSJ special temporary authority to remain silent through August 1, 1987. The Commission's Notice of Proposed Rulemaking in the Jupiter/Melbourne proceeding was not released until July 2, 1987, however, and comments and reply comments are not due until August 24 and September 8, 1987, respectively. Accordingly, U.S. Three remains uncertain as to the channel on which it will ultimately be required to resume permanent

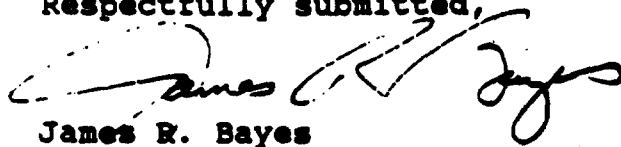
WILEY, REIN & FIELDING

Mr. William J. Tricarico  
July 31, 1987  
Page 2

operations. Accordingly, U.S. Three respectfully submits that the circumstances which necessitated its suspension of operations still obtain, and requests that its authorization to remain silent be extended pending further developments in the Jupiter/Melbourne rulemaking proceeding. U.S. Three is hopeful that the situation will be clarified by the contents of comments and reply comments, and that once the comment deadline in the rulemaking proceeding has passed, it will be able to take steps toward the prompt resumption of FM service to the Jupiter community.

Should any questions arise concerning this matter, kindly advise the undersigned.

Respectfully submitted,



James R. Bayes  
Counsel for U.S. Three  
Broadcasting Corporation

cc: Dennis Williams (BY HAND)  
Glenn Greisman (BY HAND)

DUPLICATE

April 30, 1987

RECEIVED  
APR 30 1987  
FCC  
Office of the Secretary

Mr. William J. Tricarico  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: WKSJ(FM) and WTRU(AM), Jupiter, Florida

Dear Mr. Tricarico:

By letter dated April 1, 1987, U.S. Three Broadcasting Corporation and U.S. Two Broadcasting Corporation, licensees of WKSJ(FM) and WTRU(AM), Jupiter, Florida, advised the Commission that the stations had temporarily suspended operations effective April 1, 1987.

As the Commission's records will reflect, WKSJ(FM) has heretofore operated on Channel 244A (96.7 MHz). In its Second Report and Order in Docket No. 2132, 47 FR 2d 1280 (1980), the Commission changed the Jupiter FM channel assignment from 244A to 296A in order to accommodate a new allotment at Homestead, Florida. The Commission, however, permitted WKSJ to continue to operate on Channel 244 until a permittee for the new Homestead station had been selected. In March of 1986, the Commission issued a construction permit for the Homestead FM station to Radio Internart Corporation. After extended negotiations between U.S. Three and Radio Internart concerning reimbursement for the expense U.S. Three will incur in connection with the frequency change necessary to accommodate the new FM station, U.S. Three agreed to vacate Channel 244A. To that end, WKSJ(FM) temporarily suspended operations on April 1, 1987. Because WTRU(AM) simulcasts the WKSJ programming, the AM station also suspended operations on that date. U.S. Three understands that WKSJ may not resume operations on Channel 244 and, consistent with the Commission's 1980 rulemaking decision, the station would be required to resume operations on Channel 296A.

However, on or about February 27, 1987, Silicon East Communications Corporation ("SEC"), licensee of WVTI(FM), Melbourne, Florida submitted a petition for rulemaking to

Mr. William J. Tricarico  
April 30, 1987  
Page 2

permit WVTI to upgrade from Class A to Class C2 facilities. In order to accommodate the WVTI upgrade, SEC proposes that the Commission substitute Channel 258A for the current, but as yet unused, allotment of Channel 296A at Jupiter, Florida. U.S. Three has no objection to the proposed channel substitution, and has this day filed a statement in support of SEC's petition for rulemaking. However, U.S. Three is deeply concerned by the prospect of making two substantial frequency changes, possibly within the space of a few months, in order to accommodate changes in the Table of Allotments proposed by other parties. The licensee's present financial condition does not permit it to absorb the potentially devastating impact of repeated disruptions of its operations and the need to establish, and then reestablish, an identity on a new channel. In addition, U.S. Three respectfully submits, the public interest would not be served by two such rapid changes in the frequency on which WKSJ is required to operate.

Accordingly, it is hereby respectfully requested that WKSJ and its sister AM station, WTRU, be permitted to remain silent pending the Commission's disposition of the SEC petition for rulemaking. U.S. Three and U.S. Two Broadcasting Corporation will undertake to reinstitute service on WKSJ and WTRU expeditiously once it is determined on which frequency the FM station will operate permanently.

Should any question arise concerning this matter, kindly advise the undersigned.

Respectfully submitted,

  
James R. Bayes  
Counsel for WKSJ and WTRU

cc (BY HAND)  
Gordon Malick

# TELEGRAPHIC MESSAGE

NAME OF AGENCY <b>FEDERAL COMMUNICATIONS COMMISSION</b>	PRECEDENCE ACTION <b>NL</b> INFO:	SECURITY CLASSIFICATION
ACCOUNTING CLASSIFICATION <b>COLLECT</b>	DATE PREPARED <b>5-26-87</b>	FILE
FOR INFORMATION CALL		
NAME <b>FM BRANCH</b> <b>AUDIO SERVICES DIVISION</b>	PHONE NUMBER <b>632-7166</b>	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE-ADDRESS
THIS SPACE FOR USE OF COMMUNICATION UNIT		

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

**U.S. THREE BROADCASTING CORPORATION**  
**RADIO STATION W-E-S-Y (FM)** (PHONE MAIL)  
**C/O ROBERT TAYLOR WEEK (FM)**  
**2541 COHEN ROAD**  
**FT. WAYNE, IN 46808**  
**PHONE (219) 484-0580**

**REFERENCE 8920-GDG. RELET DATES 4-30-87. SPECIAL TEMPORARY**  
**AUTHORITY GRANTED THRU 8-1-87 TO REMAIN SILENT PENDING**  
**PROPOSED RULEMAKING. NECESSARY MAINTAIN PRESCRIBED LIGHTING.**  
**THIS AUTHORITY APPLICABLE TO FM STATION ONLY. AUTHORITY**  
**FOR WTRU (AM) MUST BE SECURED FROM AM BRANCH, MASS MEDIA BUREAU.**

**DENNIS WILLIAM, BRANCH CHIEF**  
**GLEN GRISMAN, C.I.S.**  
**MASS MEDIA BUREAU, FCC**

SECURITY CLASSIFICATION

PAGE NO.

NO. OF PGS.

4045-1-2

## TELEGRAPHIC MESSAGE

NAME OF AGENCY <b>FEDERAL COMMUNICATIONS COMMISSION</b>	PRECEDENCE ACTION: <b>TEL</b> INFO:	SECURITY CLASSIFICATION
ACCOUNTING CLASSIFICATION <b>COLLECT</b>	DATE PREPARED <b>3-3-87</b>	FILE
FOR INFORMATION CALL		
NAME <b>FM BRANCH/AUDIO SERVICES DIVISION</b>	PHONE NUMBER <b>692-3224</b>	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE-ADDRESS

THIS SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

U.S. THREE BROADCASTING CORPORATION  
 RADIO STATION W X S Y ( F M ) (PHONE & MAIL)  
 C/O ROBERT TAYLOR WIGG ( F M )  
 2541 GOSHEN ROAD  
 FT. WAYNE, IN. 46808  
 PHONE: 219-484-0560

REFERENCE 0920-006. SELECT 1 OF 3 7-31-87. TERMS AND CONDITIONS

COMMISSION TELEGRAM 5-26-87 EXTENDED TIME 11-1-87.

DEWITS WILLIAMS, BRANCH CHIEF  
 GLENN CHRISTIAN, U.T.S.  
 MASS MEDIA BUREAU, FCC

SECURITY CLASSIFICATION

PAGE NO. NO. OF PGS.

TELEGRAPHIC MESSAGE

NAME OF AGENCY <b>FEDERAL COMMUNICATIONS COMMISSION</b>		ACTION: <b>EL</b>  INFO:	SECURITY CLASSIFICATION
ACCOUNTING CLASSIFICATION <b>COLLECT</b>	DATE PREPARED <b>12-24-87</b>	FILE	
FOR INFORMATION CALL			
NAME <b>AM BRANCH</b>	PHONE NUMBER <b>632-7010</b>	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE-ADDRESS	

THIS SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

U.S. TWO BROADCASTING CORP.  
RADIO STATION WTRU (AM)  
C/O ROBERT TAYLOR (PHONE AND MAIL)  
RADIO STATION WKE (219) 484-0580  
2541 GOSHEN  
FT. WAYNE, INDIANA 46808

REF. 6910-ARE. RELET DATES 11-16-87. AUTHORITY AND TERMS

COMTEL 5-21-87 EXTENDED THRU 2-29-88, PENDING RESOLUTION OF  
FINANCIAL DIFFICULTIES. ANY REQUEST FOR EXTENSION MUST BE  
ACCOMPANIED BY DETAILED REPORT OF SPECIFIC STEPS BEING  
TAKEN TO RETURN STATION TO AIR.

THOMAS M. ALBERS, CHIEF  
AM BRANCH  
MASS MEDIA BUREAU, FCC

ANDREE ELLIS  
COMMS. ANALYST

EIC - MIAMI, FL

CC:  
James R. Hayes, Esquire

AS: [illegible]

MAIL BRANCH

JAN 4 1988

SENT VIA  
WESTERN UNION

SECURITY CLASSIFICATION

PAGE NO.

NO. OF PGS.

WILEY, REIN & FIELDING

1776 K STREET, N.W.  
WASHINGTON, D. C. 20006

FEB 2 12 20 AM '88  
DIVISION

JAMES R. BAYES  
(202) 429-7064

February 29, 1988

Mr. H. Walker Feaster, III  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

RECEIVED

FEB 29 1988

Federal Communications Commission  
Office of the Secretary

Re: WTRU(AM), Jupiter, Florida

Dear Mr. Feaster:

By letters dated April 30, May 12, August 17, and November 16, 1987, U.S. Two Broadcasting Corporation, licensee to WTRU(AM), Jupiter, Florida, requested that the station be permitted to remain silent pending the Commission's disposition of a rulemaking proceeding which, inter alia, proposed the substitution of Channel 258A for the current allotment of Channel 296A at Jupiter, Florida, on which WTRU's sister station, WKSJ(FM), is authorized to operate (MM Docket No. 87-233, RM-5841; Jupiter and Melbourne, Florida). The Commission, in granting these requests, has extended WTRU's authority to remain silent through February 29, 1988.

As set forth in the licensee's previous letters, WKSJ(FM), which is licensed to commonly-owned U.S. Three Broadcasting Corporation, suspended operations effective April 1, 1987 in connection with a frequency change required as a result of earlier Commission rulemaking proceedings. In order to avoid the disruption of the second channel change proposed in the Jupiter/Melbourne proceeding, U.S. Three requested that WKSJ be permitted to remain silent pending the completion of that proceeding. Because WTRU simulcasts the programming of and is jointly staffed with WKSJ, the AM station also was forced to suspend operations on April 1, 1987, and requested authority to remain silent along with its sister FM station. In addition, the AM station required substantial repairs before it could be returned to the air, the expense of which, when combined with operating losses, would pose a substantial financial hardship for the licensee if the AM station is required to return to the air before the companion FM station resumes operations. The repair work has now been completed, and it is only the financial impos-



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1776 K STREET, N.W.  
WASHINGTON, D. C. 20006

MAR 2 12 20 AM '88

DIVISION

JAMES R. BAYES  
(202) 429-7064

February 29, 1988

Mr. H. Walker Feaster, III  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

RECEIVED

FEB 29 1988

Federal Communications Commission  
Office of the Secretary

Re: WTRU(AM), Jupiter, Florida

Dear Mr. Feaster:

By letters dated April 30, May 12, August 17, and November 16, 1987, U.S. Two Broadcasting Corporation, licensee to WTRU(AM), Jupiter, Florida, requested that the station be permitted to remain silent pending the Commission's disposition of a rulemaking proceeding which, inter alia, proposed the substitution of Channel 258A for the current allotment of Channel 296A at Jupiter, Florida, on which WTRU's sister station, WKSJ(FM), is authorized to operate (MM Docket No. 87-233, RM-5841; Jupiter and Melbourne, Florida). The Commission, in granting these requests, has extended WTRU's authority to remain silent through February 29, 1988.

As set forth in the licensee's previous letters, WKSJ(FM), which is licensed to commonly-owned U.S. Three Broadcasting Corporation, suspended operations effective April 1, 1987 in connection with a frequency change required as a result of earlier Commission rulemaking proceedings. In order to avoid the disruption of the second channel change proposed in the Jupiter/Melbourne proceeding, U.S. Three requested that WKSJ be permitted to remain silent pending the completion of that proceeding. Because WTRU simulcasts the programming of and is jointly staffed with WKSJ, the AM station also was forced to suspend operations on April 1, 1987, and requested authority to remain silent along with its sister FM station. In addition, the AM station required substantial repairs before it could be returned to the air, the expense of which, when combined with operating losses, would pose a substantial financial hardship for the licensee if the AM station is required to return to the air before the companion FM station resumes operations. The repair work has now been completed, and it is only the financial impos-

Mr. H. Walker Feaster, III  
February 29, 1988  
Page 2

sibility of stand-alone operation which detains WTRU from returning to the air.


On February 10, 1988, the Commission released a Report and Order granting the Jupiter/Melbourne petition and modifying the channel assignments of Melbourne FM station WVTI and of WKSJ, effective March 28, 1988. Just prior to the release of the Report and Order, U.S. Three Broadcasting had requested and received an extension of its authority to remain silent through May 1, 1988. U.S. Three is now in the process of taking the steps necessary to return WKSJ to air. Because the same factors which forced it to remain silent while the petition was pending are still in force until the modification of license becomes effective, however, it appears that WKSJ will not be able to return to operational status until at least March 28, 1988.

As set forth in U.S. Two's previous requests, after extensive financial analysis, the licensee has reaffirmed that the station is not financially viable as a stand-alone daytime-only AM station. As a result, the licensee is financially unable to return WTRU to the air until its sister FM station also resumes operation.

In sum, U.S. Two Broadcasting Corporation respectfully submits that the circumstances which necessitated the suspension of operations by WTRU still obtain, and requests that its authorization to remain silent be extended until WKSJ is able to return to air. Once that occurs, WTRU will once again be a financially viable concern and will be able promptly to resume service to the Jupiter community.

Should any questions arise concerning this matter, kindly advise the undersigned.

Respectfully submitted,

  
James R. Bayes  
Counsel for U.S. Two  
Broadcasting Corporation

239

TELEGRAPHIC MESSAGE

NAME OF AGENCY <b>FEDERAL COMMUNICATIONS COMMISSION</b>		PRECEDENCE ACTION: <b>NL</b> INFO:	MAIL <b>BRANCH</b> <b>MAR 14 1988</b> SENT VIA WESTERN UNION
ACCOUNTING CLASSIFICATION <b>COLLECT</b>	DATE PREPARED <b>3-11-88</b>		
FOR INFORMATION CALL			
NAME <b>AM BRANCH - 7</b>	PHONE NUMBER <b>632-7010</b>	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE-ADDRESS	

THIS SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

U.S. TWO BROADCASTING CORP.  
RADIO STATION WTRU(AM)  
C/O ROBERT TAYLOR (PHONE AND MAIL)  
RADIO STATION WXKE (219)484-0580  
2541 GOSHEN  
FT. WAYNE, IN 46808

REF. 8910-ARE. RELET BAYES 2-29-88. AUTHORITY AND TERMS  
COMTEL 5-21-87 EXTENDED THRU 5-2-88, PENDING RESOLUTION OF  
MATTERS INVOLVING FM STATION WKSX. ANY REQUEST FOR  
EXTENSION MUST BE ACCOMPANIED BY A DETAILED REPORT OF STEPS  
BEING TAKEN TO RETURN STATION TO AIR.

THOMAS M. ALBERS  
CHIEF, AM BRANCH  
MASS MEDIA BUREAU, FCC

ANDREE ELLES  
COMMS. ANALYST

ERC-MAIL, FL

CC:  
JAMES R. BAYES, ESQ.

AELLS:AFR/ASD/AMB/WTRU

SECURITY CLASSIFICATION	
PAGE NO.	NO. OF PGS.

MAIL BRANCH

FEDERAL COMMUNICATIONS COMMISSION		PRECEDENCE ACTION: <b>EL</b>	DATE <b>MAY 16 1988</b>
ACCOUNTING CLASSIFICATION <b>COLLECT</b>	DATE PREPARED <b>5/16/88</b>	SENT VIA <b>WESTERN UNION</b>	
NAME <b>AM BRANCH</b>	PHONE NUMBER <b>632-7010</b>	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE-ADDRESS	

THIS SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

U.S. TWO BROADCASTING CORP.  
RADIO STATION WTED(AM) PHONE AND MAIL  
C/O ROBERT TAYLOR  
RADIO STATION WXXE (219) 484-0580  
2541 COSEN  
FT. WAYNE, IN 46808

REF. 8910-ARE. RELET BATES 5/2/88. AUTHORITY AND TERMS  
COMTEL 5/21/87 EXTENDED THRU 7/31/88, PENDING RESOLUTION OF  
STATION AND FINANCIAL MATTERS INVOLVING FM STATION WXXE.  
ANY REQUEST FOR EXTENSION MUST BE ACCOMPANIED BY A DETAILED  
REPORT OF STEPS BEING TAKEN TO RETURN STATION TO AIR.

THOMAS H. ALBERS, CHIEF AM BRANCH -  
ANDREZ R. ELLIS, COMMS. ANALYST  
MASS MEDIA BUREAU, FCC

REC: MIAMI, FL

CC: JAMES R. BATES, ESQUIRE

ARE/a.je/asd/MKB/wxxe

SECURITY CLASSIFICATION

PAGE NO.

NO. OF PGS

RECEIVED

WILEY, REIN & FIELDING

JUL 28 1988

1776 K STREET, N.W.  
WASHINGTON, D. C. 20006  
(202) 429-7000

Federal Communications Commission  
Office of the Secretary

JAMES R. BAYES  
(202) 429-7064

July 28, 1988

AUG 01 1988

Mr. H. Walker Feaster, III  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: WTRU(AM), Jupiter, Florida

Dear Mr. Feaster:

By letter dated May 2, 1988, U.S. Two Broadcasting Corporation, licensee of WTRU(AM), Jupiter, Florida, requested that the station be permitted to remain silent pending the Commission's grant of a minor change application filed by WTRU's sister station, WKSJ(FM) to specify operation on Channel 258A, pursuant to the FCC's directive in the Report and Order, released February 10, 1988 (MM Docket No. 87-233). Previously, the Commission had granted U.S. Two's request to remain silent pending the FCC's disposition of a rulemaking proceeding which, inter alia, proposed the substitution of Channel 258A for the current allotment of Channel 296A at Jupiter, Florida. Thus, the Commission has authorized WTRU to remain silent through July 31, 1988.

As the Commission's records will reflect, WKSJ(FM), licensed to commonly-owned U.S. Three Broadcasting Corporation, suspended operations effective April 1, 1987 in connection with a frequency change required as a result of earlier Commission rulemaking proceedings. To avoid the disruption of the second channel change proposed in the proceedings, U.S. Three requested that WKSJ be permitted to remain silent pending the completion of the proceeding. WTRU simulcasts the programming of and is jointly staffed with WKSJ, and the AM station is dependent upon the FM station economically. Accordingly, the AM station also was forced to suspend operations on April 1, 1987 and requested authority to remain silent along with its sister FM station. In addition, the AM station required substantial repairs before it could be returned to the air. While those repairs have now been completed, WTRU is still not in a position to operate independently of the FM station as a stand-alone facility.

Mr. H. Walker Feaster, III  
July 28, 1988  
Page 2

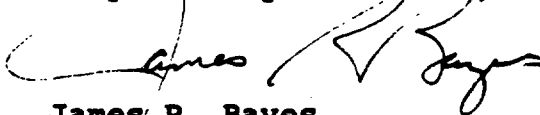
As explained in the May 24, 1988 letter, WKSJ has filed its modification application with the Commission (File No. BPH-880502IC). That application has not yet been granted. Therefore, FM station WKSJ is not yet in a position to resume operations.

WKSJ has taken steps, however, to enable it to resume operation promptly upon FCC grant of its modification application. The undersigned is advised that the station has placed an order for new equipment and construction services with Harris Corporation and has made a cash deposit on that order. The station has been advised by Harris Corporation that manufacturing of the new equipment has begun.

As soon as the Commission has granted the WKSJ minor change application, the FM licensee will complete the modifications required to return the station to the air on its new channel. At the same time, U.S. Two expects to be able to return WTRU to the air. Until the FM station is operational on Channel 258A, however, the AM station is not in a financial position to resume AM broadcasting operations. Accordingly, U.S. Two respectfully requests a further extension of its authorization for WTRU to remain silent pending processing and grant of the FM station minor change application and implementation of the facilities modifications necessary for operation on the new FM channel. At that time, U.S. Two will once again be in a position to operate WTRU and resume AM service to the Jupiter, Florida community.

Should any questions arise concerning this matter, kindly advise the undersigned.

Respectfully submitted,



James R. Bayes

cc: Mr. Robert Taylor

RECEIVED

WILEY, REIN & FIELDING

OCT 31 1988

1776 K STREET, N.W.  
WASHINGTON, D. C. 20006  
(202) 429-7000

Federal Communications Commission  
Office of the Secretary

JAMES R. BAYES  
(202) 429-7064

October 31, 1988

1988

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: WTRU(AM), Jupiter, Florida

Dear Ms. Searcy:

By letter dated July 28, 1988, U.S. Two Broadcasting Corporation, licensee of WTRU(AM), Jupiter, Florida, requested that the station be permitted to remain silent pending the Commission's grant of a minor change application filed by WTRU's sister station, WKSJ(FM), to specify operation on Channel 258A in accordance with the FCC's directive in MM Docket No. 87-233. Pursuant to that request, the Commission has authorized WTRU to remain silent through October 31, 1988.

As the Commission's records will reflect, WKSJ(FM), licensed to commonly-owned U.S. Three Broadcasting Corporation, suspended operations in connection with a frequency change required as a result of earlier Commission rulemaking proceedings. To avoid the disruption of the second channel change proposed in MM Docket No. 87-233, U.S. Three requested that WKSJ be permitted to remain silent pending the completion of that proceeding. WTRU simulcasts the programming of and is jointly staffed with WKSJ, and the AM station is dependent upon the FM station economically. Accordingly, the AM station also was forced to suspend operations and requested authority to remain silent along with its sister FM station. In addition, the AM station required substantial repairs, which have now been completed. Nevertheless, WTRU still is not in a position to operate independently of the FM station as a stand-alone facility.

WKSJ has filed its modification application with the Commission (File No. BPH-880502IC; BPH-880831IE). The Commission's staff is actively processing the application, and U.S. Three Broadcasting Corporation is today filing an amendment in response to a staff request. Accordingly, it

Ms. Donna R. Searcy  
October 31, 1988  
Page 2

appears that the modification application will be granted shortly, and WKSJ will be in a position to resume operations.

In fact, WKSJ has already taken steps to enable it to resume operation promptly upon FCC grant of the modification application. The undersigned is advised that the licensee has made arrangements for all necessary equipment, is reassembling a station staff, and is taking the other necessary steps to put WKSJ and WTRU back in operation. As soon as the Commission has granted the WKSJ application, the FM licensee will complete the modifications required to return the station to the air on its new channel. At that time, WTRU also will be able to resume operations.

Until then, however, the AM station will not be in a financial position to resume stand-alone broadcasting operations. Accordingly U.S. Two respectfully requests a further extension of its authorization for WTRU to remain silent pending processing and grant of the FM station minor change application and implementation of the facilities modifications necessary for WKSJ to operate on the new FM channel.

Should any questions arise concerning this matter, kindly advise the undersigned.

Respectfully submitted,

  
James R. Bayes

cc: Mr. Robert Taylor  
Mr. Andre Ellis



FEB 2 1989  
FEB 1 1989

January 23, 1989

Robert B. Taylor, Licensee  
WTRU (AM)  
500 North Delaware  
P.O. Box 848  
Jupiter, Florida 33458

FEB 1 1989

Ms. Donna R. Searcy, Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: WTRU (AM), Jupiter, Florida

Dear Ms. Searcy:

By letter dated October 31, 1988, U.S. Two Broadcasting Corporation, former licensee of WTRU (AM), Jupiter, Florida, requested that the station be permitted to remain silent pending the Commission's grant of a minor change application filed by WTRU's sister station, WKSJ (FM), to specify operation on Channel 258A in accordance with the FCC's directive in MM Docket No. 87-233. Pursuant to that request, the Commission has authorized WTRU to remain silent through January 27, 1989.

On November 15, 1988, the Commission granted the WKSJ minor change application (File No. BPH-88083IIE). At this time, the licensee of these stations is taking the necessary steps to put WKSJ and WTRU back in operation. Much of the necessary physical construction work has been accomplished on both stations. The following work has been done on WTRU as preparation to resume broadcasting:

- 1) On December 24, 1988, the licensee's engineering employees installed a new ERI 404 isolation transformer (isocoupler) in the transmission line on the west AM tower.
- 2) On December 27, 1988, the licensee shipped the WTRU antenna monitor to the manufacturer for repair and recalibration. The manufacturer, Potomac Instruments, Inc., of Silver Spring, Maryland, has completed the work and has advised WTRU the unit will be shipped back to Jupiter upon payment of their invoice of \$284.64. A check will be mailed this week.
- 3) On December 27, 1988, the licensee shipped the WTRU modulation monitor to Harris Corporation in Quincy, Illinois, for repair and recalibration. At this point, Harris has not completed the work.

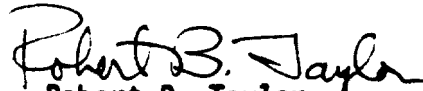
-2-

Prior to resuming operation, WTRU must complete antenna impedance measurements and field strength measurements as part of a proof of performance. WTRU also must erect a fence in order to meet American National Standards Institute (ANSI) guidelines regarding radio frequency radiation. Until these requirements are completed, WTRU will not be able to resume broadcasting operations.

Accordingly, as licensee of WTRU, I respectfully request a further extension of the Commission's authorization for WTRU to remain silent.

Should any questions arise concerning this matter, kindly advise the undersigned.

Respectfully submitted,

  
Robert B. Taylor,  
Licensee, WTRU (AM)

cc: Andree R. Ellis

RBT:caft

- 21 -

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

IN REPLY REFER TO:

February 7, 1989

U.S. Two Broadcasting Corporation  
Radio Station WTRU(AM)  
c/o Robert Taylor  
Radio Station WKKE(AM)  
2541 Goshen  
Ft. Wayne, IN 46808

Ref. 8910-ARE. Relet Atty. Bayes 1/23/89. Authority and terms comtel 5/21/87 are extended thru 4/27/89, pending resolution of station and financial matters involving FM Station WKSX. Any request for extension must be accompanied by a detailed report of steps being taken to return station to air.

Thomas N. Albers  
Chief, AM Branch  
Mass Media Bureau, FCC

Andree R. Ellis  
Comms. Analyst

EIC-Miami, Florida

cc: James R. Bayes, Esq.

ARE:afr/asd/mmb/wtru

EXHIBIT NO. 13

**DECLARATION OF STEVE MAY**

My name is Steve May. I was employed at Station WTRU(FM), Jupiter, Florida from Nov 1989 until Nov 1990. My position at the station was program director.

Station WTRU(FM) did not maintain a public inspection file at its studios in Jupiter, Florida. On at least two occasions, Charles Reid appeared at the station and requested the public inspection file. I had no documents available for him to inspect.

Robert Taylor, the licensee of Station WTRU(FM), broadcast the tapes of Toby Arnold and Associates' copyrighted format "Unforgettable" over Station WTRU(FM). At the time of these broadcasts, Station WTRU(FM) had no license or other permission to broadcast the "Unforgettable" format. Mr. Taylor used the "Unforgettable" tapes on Station WTRU(FM) to avoid having to pay for programming.

In NOVEMBER, 1990, Mr. Taylor discharged the entire <sup>AIR</sup> staff of Station WTRU(FM) in an effort to save money at the station. He did not pay me the wages he owed me for working at the station.

I declare under penalty of perjury that the matters set out above are true.

  
\_\_\_\_\_  
Steve May

**EXHIBIT NO. 14**

December 27, 1990

STATEMENT OF SHERI MCKIN

I started work at the WKSX radio station about May 1985. Mr. Cox was the sales manager and was in charge of everything. He was boss until Mr. Bob Taylor walked thru the door. I answered the phones for Mr. Cox and the whole station as a receptionist. I was the only office person in the whole place. I typed invoices, opened mail to the station and any mail to Mr. Taylor was forwarded to him at a Michigan post office box. I saw Mr. Taylor about once a month.

I never saw a public access file, I don't even know what a public access file is.

I didn't feel the station was being run right at the time. People called me for prizes and I had to take messages for the manager(Mr.Cox) to call back. The gifts given away were traded for air-time. At one point we had more trade commercials then we had paid commercials.

We were in an old radio house that I cleaned and vacuumed as part of my job.

The equipment was maintained and Bob Taylor was allways called when we had mechanical problems. The equipment was outdated.

The public files were non-existent to my knowledge and I was the only office person.

As far as Bob Cox was concerned, I wouldn't let Bob run my dog Kennel. I liked him, he has a good personality but he was a B.S.'er. He would sell, sell, sell and we didn't have the prizes to give away. He would handle the prize recipients , I would end up with the phone calls and they were hard to handle. He made promises in the dark and couldn't deliver. I didn't feel Bob Cox was a responsible person nor Bob Taylor either. I have a conscience and I would not do anything immoral or illegal for Bob Cox or Bob Taylor.

On the 29th of December, 1986, there was a note on the door. I walked inside and Bob Taylor was there. I asked "Whats going on?" He said we weren't making any money and he was closing the station. I said I figured this would happen. My sister won a prize- a trip to the Bahamas- she is from out of state( Ohio ), her name is Patricia Stiles, (614) 471-5723. She never received her gift though. When I was laid off I knew my sister would never get her gift.

If there were any problems Bob Cox would handle them.

I declare, under penalty of perjury that the matters stated here are true and correct.

COUNTY, PALM BEACH  
STATE, FLORIDA

This 17th Day of Jan 1991

*Sheri L. McKin*

SHERI L. MCKIN

NOTARY PUBLIC, STATE OF FLORIDA  
MY COMMISSION EXPIRES APRIL 28, 1991  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

*Wanda V. Raboak*

**EXHIBIT NO. 15**



January 9, 1991

STATEMENT OF LORRIANE POPOVICH (MUSTAPICK)

I was hired at the station (WKSJ) and worked about 5 months and hired as an account executive. I worked directly for Bob Cox, I was paid by Bob Taylor. The station was not making money when I was there. We had a lot of trade advertising that Mr. Cox and Mr. Taylor set-up. We would switch the format, we went from Easy Listening to Lite to Rock & Roll in a 5 month period. It was difficult to sell to advertisers because of switching formats. Mr. Taylor made infrequent visits to the station and approved everything that Mr. Cox did *as far as I know*. On December 29, 1986, I arrived at work at the station to find the other employees in the parking lot and the station door was locked with a note on the door. Bob Taylor was not there nor did we ever see him. The note said that the following people were laid-off, they were Bob Cox, Debbie Kessler, Sheri McKinn & myself. We were locked out that day. I did return another day to clean-out my desk. The station was still running because the announcers were still there.

We never had a public file to my knowledge, if we did I was not told about it nor did I ever see it.

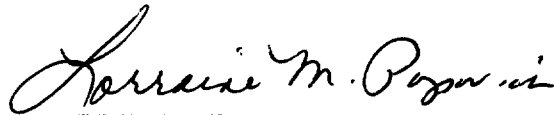
As far as Bob Cox was concerned as running the station, we tried to promote the station but we had too much trade and couldn't get enough paying clients. Mr. Taylor was hardly ever there to oversee operations, and Bob Cox was given 100% responsibility to run operations as far as I knew.

As far as operations of the tower is concerned the top light of the tower was burned out for at least a couple of months. We had a couple of warnings for the lights that were out.

I feel that we were let go in an unprofessional manner.

I declare, under penalty of perjury that the matters stated here are true and correct.

Signature of Lorraine M. Popovich  
on original dated 1/09/91.



Lorraine M. Popovich